



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2  
290 BROADWAY  
NEW YORK, NY 10007-1866

November 27, 2013

Robert H. Law, Ph.D.  
de maximis, inc.  
186 Center Street, Suite 290  
Clinton, New Jersey 08809

Re: Carp Harvest Pilot Study Addendum to the Quality Assurance Project Plan  
Submitted September 11, 2013

Dear Dr. Law:

I am writing in regard to the above-referenced document, which is Addendum 6 to the Quality Assurance Project Plan (QAPP) for Fish and Decapod Crustacean Tissue Collection for Chemical Analysis and Fish Community Survey (Windward 2009). The 2009 QAPP was prepared as part of the Remedial Investigation/Feasibility Study (RI/FS) being conducted for the Lower Passaic River Study Area (LPRSA) as part of the Diamond Alkali Superfund Site.

EPA does not approve the work described in the QAPP Addendum for the following reasons.

QAPP Addendum 6 was not requested by the U.S. Environmental Protection Agency (EPA) or its partner agencies. It provides for a pilot study the Cooperating Parties Group (CPG) would like to conduct to determine if electrofishing is an efficient method of managing carp populations in the LPRSA. The QAPP states that the data collected during this pilot study will be used by the CPG and EPA to support the FS and by EPA's partner agencies, such as the New Jersey Department of Environmental Protection, the U.S. Fish and Wildlife Service and the National Oceanic and Atmospheric Administration, for other purposes, such as restoration planning.

The work described in the QAPP Addendum, and the larger proposal of using carp management as a means of improving the water and habitat quality of the LPRSA, are outside the scope of the RI/FS process. The QAPP equates carp to a "regional background input" or stressor such as pathogens, bulkheads, etc. However, non-chemical stressors are not being evaluated quantitatively in the RI/FS, and are only looked at qualitatively as part of the baseline ecological risk assessment.

The CPG also proposes that active management of the carp population will reduce potential human health risks to people consuming fish. At this point in the process, EPA has not identified carp population management as a potential component of institutional controls. In the future, EPA may consider additional institutional controls to augment the fishing ban already in place. If carp management were to be considered, a detailed study of the impacts and efficacy of such an approach would need to be conducted.

Moreover, while the pilot study is described as intended to determine the effectiveness of electrofishing as a management method, the QAPP Addendum also states that the CPG already

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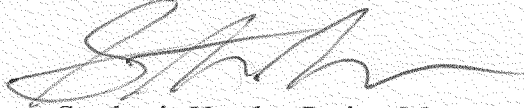
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has found electrofishing to be an effective method for collecting carp in the LPRSA community surveys conducted by Windward in 2009 and 2010 and upriver of Dundee Dam in 2012. The CPG's past experience offers sufficient data for present purposes.

Finally, the partner agencies reviewed this QAPP and do not support this pilot study as part of the RI/FS process.

Please let me know if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'Steph', with a long, sweeping horizontal line extending to the right.

Stephanie Vaughn, Project Manager  
LPRSA 17-mile RI/FS

cc: R. Basso, EPA  
J. Nickerson, NJDEP  
R. Mehran, NOAA  
T. Kubiak, FWS  
L. Baron, USACE